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CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 30th April, 2026

No. 642077-HII(2)-2026/4589.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference **No. 57/2023 dated 25.03.2026** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

GUDIA DEVI @ USHA DEVI, AGED ABOUT 34 YEARS, WIFE OF SH. ARVIND ARYA, CURRENTLY RESIDING AT HOUSE NO. 415, HALLOMAJRA - 160002, CHANDIGARH. (WORKMAN)

AND

1. M/S FANCY PRINTERS (THROUGH ITS PROPRIETOR SH. KULDEEP MAHAJAN), ADDRESS: PLOT NO. 945, PHASE - 2, RAMDARBAR, CHANDIGARH - 160002.

2. SH. KULDEEP MAHAJAN (PROPRIETOR OF M/S FANCY PRINTERS), ADDRESS: PLOT NO. 945, PHASE - 2, RAMDARBAR, CHANDIGARH - 160002. (MANAGEMENT)

AWARD

1. Workman Gudia Devi @ Usha Devi has presented Industrial Dispute in hand under Section 2A(2) of the Industrial Disputes Act, 1947 *(here-in-after in short called 'ID Act').*

2. Briefly stated the averments of claim statement are that the workman was appointed by the management of M/s Fancy Printers as Helper in the month of July, 2015and was promoted as Machine Operator by management No.2 in July, 2018. She is a 'workman' as defined under Section 2(s) of the ID Act. Her work was controlled, supervised and assessed by the management. The personal file and record of leave etc. was also maintained by management No. 2. She was paid ` 8,000/-monthly wages in cash,which were less than the minimum wages fixed by the Labour Department and ESI & other labourwelfare schemes were not provided. On 2nd May, 2022, Management No.2 requested the workman along with one old employee namely Resham Kumari that his son has set up a new factory in the name of Fancy Confiners at Dera Bassi, SAS Nagar Mohali and there was an urgent need of skilled labour to operate the machines and she was required to work there for 2-3 months and they will release her salary. She was told that his son would take her

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to Dera Bassi factory and her salary will be increased. It is stated that on 27th August, 2022, the workman and another employee marked their attendance before the management and Mr. Vipul Mahajan, son of respondent No.2 transported them to DeraBassi factory. At around 5:30 P.M., while operating the press machine, left hand of Resham Kumari was accidently severely injured and she was immediately taken to Jeevan Jyoti Hospital at Dera Bassi by Vipul Mahajan and admitted there till 11:00 P.M.On 29.08.2022, at around 9:35 A.M., when the workman reached at the office of management, management No.2 told her that her services were no longer required by the management. Her services were terminated abruptly & illegally without following procedure of law. It is stated that her conduct while in service was satisfactory. Neither any notice or any charge sheet was ever served nor any inquiry was conducted against the workman. While terminating her services, the management has not given full & final including notice pay, retrenchment compensation, leave encashment, bonus of last financial year and compensation for accident. It is stated that she had completed 240 days in 12 calendar months preceding her termination. She submitted demand notice to the management and the Conciliation Officer initiated conciliation proceedings but ultimately, the conciliation proceeding failed and the Conciliation Officer advised the workman vide Memo No.420 dated 09.02.2023 to refer under Section 2A of the ID Act. It is prayed that her termination may be declared illegal and she may be reinstated in service with continuity of service, full back wages and other consequential benefits.

3. Management No.1 & 2 contested the case of the workman and filed written statement submitting that the workman was not a regular employee. She used to come on work as per her convenience or will. She also used to work with other factories / shops in nearby area or at her home on contract basis. Gudia Devi was working as Helper and she had left the work on 30.04.2022 and thereafter she was not an employee of management. A prayer was made for dismissal of the claim statement.

4. The workman filed rejoinder to the written statement reiterating the averments of her claim and denied the averments made in written statement.

5. From the pleadings of the parties, following issues were framed vide order dated 06.12.2023:-

1. Whether the termination of the services of the workman is illegal ? If so, to what effect and what relief she is entitled to ?OPW

2. Relief.

6. Thereafter, both the parties were called upon to lead their respective evidence.

7. In evidence of the workman, Workman Gudia Devi @ Usha Devi herself appeared as AW1 and tendered her affidavit Exhibit 'AW1/A'. She also tendered into evidence documents :-

Demand notice dated 07.11.2022 submitted before Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh	**Exhibit 'W1'**
Postal receipts dated 07.11.2022 of demand notice sent to the management	**Exhibit 'W2'**
Failure report bearing Memo No.420 dated 09.02.2023 of Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh	**Exhibit 'W3'**

8. The workman also examined summoned witness Prem Sagar - Labour Inspector, O/o Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh as AW2, who brought on record Downloaded copy of order dated 29.02.2024 in COMA 456-2024 passed by Dr. Aman Inder Singh, CJM, Chandigarh Exhibit 'AW2/1' and deposed that complaint was pertaining to violation of Section 13 of the Punjab Shops & Commercial Establishment Act, 1958 i.e. non-registration of establishment in which the Proprietor of Fancy

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Printers pleaded guilty and sentenced to pay a fine of ` 25,000/- by the Learned CJM, Chandigarh and he paid the fine as per order of the Court dated 29.02.2024.

9. The workman further examined Sukhjeet Singh - Clerk, O/o Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh as AW3, who brought the summoned record i.e.

Copy of demand notice dated 07.11.2022	**Exhibit AW3/1'**
Copy of notices dated 14.11.2022 and 19.01.2023 issued by the Department of ALC, Sector 30, Chandigarh to the management	**Exhibit 'AW3/2' & Exhibit 'AW3/3'**
Copy of reply dated 23.11.2022 filed by the management	**Exhibit 'AW3/4'**
Copy of zimni orders w.e.f. 22.11.2022 to 03.02.2023	**Exhibit 'AW3/5'**
Failure report bearing Memo No.424 dated 09.02.2023 of Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh	**Exhibit 'AW3/6'**

AW3 deposed that as per office record, the management has not submitted any return / compliance nor obtained under the Payment of Wages Act and Bonus Act, Punjab Labour Welfare Fund Act, Payment of Gratuity Act, Factory Fact, Industrial Employment Standing Orders Act, the Minimum Wage Act, the Workman Compensation Act, Maternity Benefits Act, Prevention of Sexual Harassment at Workplace.

10. Thereafter, Learned Representative for the workman closed the evidence on behalf of the workman in affirmative.

11. In evidence of the management, Kuldeep Kumar Mahajan appeared as MW1 and tendered his duly sworn-in affidavit Exhibit 'MW1/A'. Thereafter, the Learned Representative for management No.1 & 2 closed the evidence on behalf of management No.1 & 2.

12. I have heard the arguments addressed by Learned Representatives for the parties and gone through the case file carefully with their able assistance. My issue-wise findings are as under :-

Issue No. 1

13. The workman was required to prove the said issue.

14. Learned Representative for the workman submitted that the workman had worked with the respondent-management w.e.f. July, 2015 to 29.08.2022 as Helper and in July, 2018 she was promoted as Machine Operator, however, her services were terminated abruptly without any notice, charge sheet and holding any domestic inquiry and she had completed 240 days in 12 calendar months preceding her termination. Therefore, she is entitled to reinstatement with continuity of service and back wages.

15. On the other hand, Learned Representative for management No. 1& 2 submitted that the workman was employed with Fancy Confiners and not with respondent-management No.1 & 2and her services were never terminated by management No.1 & 2. She had left the work of management No.1 & 2 on 30.04.2022, therefore, she was not entitled to claim any relief from respondent No.1 & 2.

16. However, before coming to any logical conclusion, it is necessary to discuss the evidence led by both the parties.

17. The workman vide her affidavit Exhibit 'AW1/A' deposed that she was appointed as Helper in July, 2015 and was promoted as Machine Operator in July, 2018. Her entire record pertaining to personal file, leave etc. was maintained by respondent-management No.2. She was paid monthly salary of ` 8,000/-. She

deposed that on 2nd May, 2022, she along with co-employee Resham Kumari was told by respondent-management No.2 that his son namely Vipul Mahajan had set up a new factory with the name of Fancy Confiners at Dera Bassi and required some skilled workers to operate the machine and workman was required there for two-three months. She deposed that on 27th August, 2022, the workman along with co-worker was transported to DeraBassi factory by son of respondent-management No.2 and on the said date at around 5:30 P.M. left hand of Resham Kumari was accidently injured and she was taken to the hospital for treatment. On 29.08.2022, when she went to factory of management No.1 for work and met with respondent-management No.2, the respondents terminated her service abruptly without following due procedure of law. She had completed 240 days in a calendar year preceding her date of termination. Her termination is in violation of provisions of the ID Act. She served the demand notice but no conciliation took place and she was advised to approach this forum.

18. AW2 Prem Sagar - Labour Inspector and AW3 Sukhjit Singh - Clerk of Office of Assistant Labour Commissioner brought the summoned record.

19. On the other hand, MW1 Kuldeep Kumar Mahajan deposed that the workman had not approached the Court with clean hands. She had concealed the material facts from the Court. She has no locus standi to file present case against the managements. She was not a regular employee of the management and used to work with management as per her convenience. She had no concern with any machines deployed in the premises of the management rather she had worked with the management up to 30.04.2022 though her working was not continuous. She had tried to extort money from the management by filing multiple cases and complaints before the concerned authorities. No cause of action has arisen in favour of the workman at any point of time.

20. It transpires from the record that the workman has submitted that she was appointed by the management of respondent-management No.1 as Helper in the month of July, 2015 and thereafter w.e.f. 2nd May, 2022 she started working at Fancy Confiners, Dera Bassi, SAS Nagar. The management in oral evidence admitted that the claimant was working with management No.1 & 2 i.e. Fancy Printers till 30.04.2022. As such, it has been established that the workman had worked with management No.1 & 2.

21. The workman vide her oral testimony stated that her services were terminated abruptly and illegally on 29th August, 2022 without following any procedure of law. However, the management submitted that the workman had worked with management No.1 & 2 till 30.04.2022 and she had never worked continuously with them.

22. Learned Representative for the management submitted that the workman had left the services with Fancy Printers and therefore, there was no reason to terminate the services as averred by her. The workman during her cross-examination stated that lastly, she had worked with M/s Fancy Confiners, Dera Bassi and she was terminated by M/s Fancy Confiners, Dera Bassi.

23. Learned Representative for the workman submitted that the workman had worked with Fancy Printers and her services were terminated without any reason. Admittedly, the services of the workman were terminated while she was working with Fancy Confiners. Moreover, it is the pleadings of the workman herself that after 2nd May, 2022, she used to work at DeraBassi in the factory under the name & style of 'Fancy Confiners' set up by Vipul Mahajan S/o Kuldeep Mahajan.

24. It transpires from the record that the management has moved the application dated 08.08.2024 for placing on record copy of registration certificate bearing No.04AAQPK3060N1ZG in the legal name Kuldeep Kumar, Trade Name Fancy Printers issued on 21.09.2017, copy of letter dated 26.09.2023 issued to Member Secretary, Chandigarh Pollution Control Committeeon the letter pad of Fancy Printers and copy of another registration certificate bearing registration No.03ALZPM8193Q1ZU legal name Rajni Mahajan, Trade name Fancy Confiners issued on 12.09.2021 and the said documents were produced on record by the management. A perusal of the said documents reveal that Kuldeep Kumar was the Proprietor of Fancy

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Printers and Rajni Mahajan was the Proprietor of Fancy Confiners. The workman has admitted that she was working for M/s Fancy Confiners at DeraBassi where co-worker Reshami Kumari met with an accident and she filed the present case against Kuldeep Mahajan and his son Vipul Mahajan. The said Fancy Confiners has not been arrayed as respondent-management by the workman. The Fancy Confiners was the necessary party to the present claim statement as it is the case of the workman herself that her services were terminated by Fancy Confiners. No reason has been putforth for not impleading Fancy Confiners as the party to the claim statement. The documents on record establish that M/s Fancy Printers and Fancy Confiners are different establishments and the workman has not been able to rebut the same.

25. Learned Representative for the workman submitted that Learned Chief Judicial Magistrate, Chandigarh has sentenced the Proprietor of Fancy Printers to pay fine of ` 25,000/- on 29.02.2024. He submitted that the said fact clearly shows that the respondent establishment has not yet been closed. The fine has been ordered pertaining to complaint for the violation of Punjab Shops and Commercial Establishment Act, 1958 and the same has no relation with the impugned order of termination of the workman. The workman has failed to lead any cogent and convincing evidence to establish that her services were terminated by management No.1 & 2. Accordingly, the said issue stands decided against the workman and in favour of the management.

Relief

26. In view of the aforesaid findings, the industrial dispute in hand stands declined. Appropriate Government be informed accordingly. File be consigned to records after due compliance.

(Sd.) . . .,

Dated : March 25, 2023

(MANISHA JAIN)
UID No. PB0158
PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.

Secretary Labour,
Chandigarh Administration.

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CHANGE OF NAME

I, Amit Kumar s/o Hari Chandra Lal Karn R/o 543-C, Sector 46-A, Chandigarh, changed my minor son's name from Aayansh Kashyap to Avyaan Anurag.

[1263-1]

I, Amruta Hark Damai W/o Hark Bahadur Damai R/o House No. 115, Sector 21-A, Chandigarh, have changed my name to Amrita Damai.

[1264-1]

I, Durgesh Shukla S/o Uma Shanker, House No. 2058, Sector 52-A, Chandigarh, have changed my minor daughter name from Baby two of Sunita to Tanishka.

[1265-1]

I, Prem Vij S/o Dhani Ram Vij R/o House No. 1284, Sector 37-B, Chandigarh, have changed my name from Prem Vij to Prem Chand Vij.

[1266-1]

I, Priyanka Sahani, Wife of Sagar Thakur, Resident of H. No. 3645, Sector 46-C, Chandigarh, I hereby declare that I have changed my name from Priyanka Sahani to Priyanka Thakur. today onwards I will be known by the name Priyanka Thakur.

[1267-1]

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